



CITY OF DALLAS

STATE OF TEXAS

COUNTY OF DALLAS

CITY OF DALLAS

I, **DEBORAH WATKINS**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached are true and correct copies of documents from

FILE NO. 04- 3236

filed in my office as official records of the City of Dallas, and that I have custody and control of said records.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the 22nd day of November, 2004.

DEBORAH WATKINS
ASSISTANT CITY SECRETARY
CITY OF DALLAS, TEXAS

rw

COD_HOU 0008352

November 10, 2004

WHEREAS, the Texas Department of Housing and Community Affairs (TDHCA) received an application from Chicory Court Simpson Stuart, L.P. for tax-exempt bonds and 4% tax credits for the Homes of Pecan Grove project, located at 3111 Simpson Stuart Road, which was approved and submitted to the Texas Bond Review Board Lottery held on October 30, 2003; and

WHEREAS, under the TDHCA rules in the 2004 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Housing Tax Credits or Private Activity Bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, as a condition for being awarded the Private Activity Bond allocation from the Texas Bond Review Board, the Applicant has committed to renting 125 of the units to tenants with household incomes capped at 50% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 50% or below AMFI and 125 of the units to tenants with household incomes capped at 60% or below the AMFI with rents affordable to tenants whose household incomes are 60% or below AMFI, in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

WHEREAS, the City of Dallas desires to support the development of this housing, subject to certain conditions being met; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas approves and supports the Homes of Pecan Grove development proposed as 250 multifamily housing units comprised of 50 one-bedroom units, 112 two-bedroom units, and 88 three-bedroom units, located at 3111 Simpson Stuart Road, by Chicory Court Simpson Stuart, L.P. and further supports the award of tax-exempt bonds and 4% low income housing tax credits pursuant to §50.5(a)(7)(B) and §50.5(a)(8)(D)(iv) of the Qualified Allocation Plan, subject to the conditions set forth herein.

SECTION 2. That this approval is subject to: (1) the Project Owner expending an estimated \$50,000, but no less than \$200 per unit annually or \$40,000 annually, whichever is greater, for tenant support social services at no cost to the tenants, based on a survey of residents needs, to be implemented within three months of project completion, and to include some or all of the following: after school programs, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities; (2) inclusion of this requirement in the Land Use Restriction Agreement (LURA) by the Texas Department of Housing and Community Affairs (TDHCA);

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APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT CITY CONTROLLER CITY MANAGER

November 10, 2004

SECTION 2. (continued) and (3), if the LURA does not require the social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City that the tenant support social services expenditures will be made. In-kind social services may count toward meeting up to 50% of the tenant support social services requirements, with prior City approval.

SECTION 3. That, prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City with regard to security related design standards.

SECTION 4. That the Project Owner shall pay to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement.

SECTION 5. That the City Manager is authorized to convey a copy of this resolution to the Applicant and the TDHCA with a written statement of support by the City Council referencing §50.5(a)(7)(B) and §50.5(a)(8)(D)(iv) of the Qualified Allocation Plan, subject to the conditions set forth herein.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN

APPROVED BY
CITY COUNCIL

NOV 10 2004

COD_HOU 0008354

Shirley Gay
City Secretary

APPROVED *Douglas A. Ryk*
HEAD OF DEPARTMENT

APPROVED *L R Williams*
CITY CONTROLLER
sd

APPROVED *Charles W. Davis*
CITY MANAGER

CATEGORY: ITEMS FOR FURTHER CONSIDERATION

AGENDA DATE: November 10, 2004
COUNCIL DISTRICT(S): 8
DEPARTMENT: Housing
CMO: Ryan S. Evans, 670-3314 *curd*
MAPSCO: 66T

SUBJECT

A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Homes of Pecan Grove multifamily development to be located at 3111 Simpson Stuart Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

BACKGROUND

The Texas Department of Housing and Community Affairs (TDHCA) has received an application for tax-exempt bonds and tax credit financing under the new TDHCA rules in the 2004 Qualified Allocation Plan and Rules (QAP). Under the 2004 QAP Rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. TDHCA funding for projects in the city of Dallas must be approved by the City Council. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of housing tax credits for the development.

The TDHCA application is from Chicory Court Simpson Stuart, L.P. (Applicant). The Homes of Pecan Grove project is a 250 unit new construction project for families located at 3111 Simpson Stuart Road, Dallas, Texas. The development is proposed as 250 multifamily housing units comprised of 50 one-bedroom units, 112 two-bedroom units, and 88 three-bedroom units. The proposed community will have common area amenities such as pool, playground fitness center, business center/computer lab and community room.

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043236

BACKGROUND (continued)

As a condition for being awarded the private activity bond allocation from the Texas Bond Review Board, the Applicant has committed to renting 125 of the units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income; and 125 of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA.

In addition, the City Council must vote to allow the construction of the proposed new development if the proposed new development is located within one linear mile or less from a project that: (1) has received housing tax credits or tax exempt bond financing within the preceding three year period; (2) has not been withdrawn or terminated from the States' tax credit program; and (3) serves the same type of household as the proposed development. The resolution must include a written statement of support from the governing body referencing the State rule and authorizing an allocation of housing tax credits for the development. The Homes of Pecan Groves project is located within one mile of the Simpson Villas project which is also proposed for 2004 tax credits.

Approval of this application will enable the Applicant to develop 250 units of affordable housing for families. This project has been preliminarily approved by TDHCA, but has not yet received a bond or tax credit allocation. City Council approval is necessary for the Applicant to qualify to receive the bond and tax credit allocation. The Applicant will be required to comply with the City's tenant support social services policy and pay an annual monitoring fee of \$500 to the City to assure compliance. The Housing Department recommended that this project could be considered for approval based on sub-market conditions if Simpson Villas is not approved.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On September 20, 2004, the Housing and Neighborhood Development Committee was briefed on proposed tax credit projects receiving 2004 Private Activity Bond allocations from the Texas Bond Review Board.

On September 22, 2004, the City Council approved the rezoning of the property proposed for the Homes of Pecan Grove project.

On October 4, 2004, the Housing and Neighborhood Development Committee was briefed on the Homes of Pecan Grove project.

On October 11, 2004, the Finance and Audit Committee was briefed on the Homes of Pecan Grove project.

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ITEM: A resolution supporting the TX Dept of Hsg & Comm Affairs tax credits for Homes of Pecan Grove

043236

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

This item was deferred by Mayor Pro Tem John Loza on October 27, 2004.

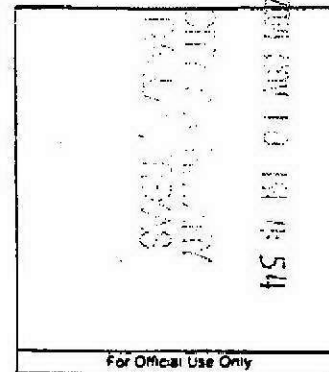
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

COD_HOU 0008357



DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One	Fill in Appropriate Information	
<input checked="" type="checkbox"/> Elected Official	Office Held	
<input type="checkbox"/> Appointed Official	Board or Commission/ Title	
<input type="checkbox"/> City Employee	Title/Department	

1. Name of Employee/Official: JAMES N. FANTROY

I JAMES N. FANTROY have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

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COD_HOU 0008358

Nature of Conflict:

Security Contract

As a result of this conflict, I will not take any official action in regard to the matter stated above.

James L. Fantray
Signature of Employee/Official

11-10-04
Date

BEFORE ME, the undersigned authority, on this day personally appeared

James L. Fantray, who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 10th day of November, 2004, to certify which, witness my hand and seal.



COD_HOU 0008359

Lorri Ann Ellis
Signature of officer administering oath

Lorri Ann Ellis
Printed name of officer administering oath

Notary Public
Title of officer administering oath

043236



1 : 3111 Simpson Stuart Road

COD_HOU 0008360